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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CARL P. McDONOUGH,
 Plaintiff,

v.

UNITED STATES OF AMERICA,
 Defendant.

No. C 07-03087 MMC

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE LAST DAY
 FOR MEDIATION AND LAST DAY
 FOR FACT DISCOVERY**

The undersigned participated in a telephone conference with the court-appointed mediator in this action, Sue J. Stott, Esq., on December 20, 2007. They agreed, on behalf of their respective clients, and with the concurrence of the mediator, to hold the mediation on February 20, 2008. The undersigned therefore stipulate, subject to the court's approval, to continue the last day to complete the mediation from **February 11, 2008 to February 28, 2008** (to allow time to conduct the mediation on February 20, 2008 and allow a short time thereafter if some follow up effort with the mediator's assistance were appropriate) and to continue the last day for completing fact discovery from **March 21, 2008 to April 18, 2008** (to allow the parties sufficient time to take any necessary fact discovery should mediation be unsuccessful). This is the first continuance requested by either party for these dates and the undersigned do not believe that changing these dates would require any changes to the other dates previously set by the court.

1 changing these dates would require any changes to the other dates previously set by the court.

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3 **IT IS SO STIPULATED:**

4 SCOTT N. SCHOOLS
United States Attorney

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6 Dated: December 21, 2007

7 /s/
MICHAEL T. PYLE
Assistant United States Attorney
Attorneys for Defendant USA

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9 FURTADO, JASPOVICE & SIMONS

10 Dated: December 21, 2007

11 RICHARD J. SIMONS
Attorneys for Plaintiff Carl P. McDonough

12 **APPROVED AND SO ORDERED:**

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14 The new date for the last day to complete mediation is February 28, 2008 and the new
15 date for the last date to complete fact discovery is April 18, 2008.

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17 DATED: _____

18 THE HON. MAXINE M. CHESNEY
United States District Judge

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28 STIP. AND PROP. ORDER TO CONTINUE MEDIATION/FACT DISCOVERY

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